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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,917	11/13/2003	Hideto Matsumoto	116532	7302
25944	7590	10/14/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TRINH, SONNY	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,917

Applicant(s)

MATSUMOTO, HIDETO

Examiner

Sonny TRINH

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,6-12 and 16-32 is/are rejected.
7) ☒ Claim(s) 3-5 and 13-15 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/08/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. **Claims 1, 6-9, 11, 16-19, 21, 23-26, 28-32** are rejected under 35 U.S.C. 102(a) as being anticipated by Kitakado Kentaro (hereinafter "Kentaro"; Japanese Application Publication number 2002-124960 (submitted in IDS by Applicant, please see machine translation to English)).

Regarding **claim 1**, with reference to figure 1, Kentaro discloses a wireless communication system including a terminal device that transmits a wireless signal and an electronic device that receives the wireless signal transmitted by said terminal device [0001], said terminal device comprising: an encrypting system that encrypts data to be transmitted [007]; a first communication system that transmits deciphering data to said electronic device with a wireless signal having a directivity (such as infrared in figure 1) [0007]; and a second communication system that transmits the encrypted data to said electronic device with a wireless signal which does not have the directivity (omni-directional antenna 25 of figure 1, see paragraphs [0007] – [0008]), said electronic device comprising: a third communication system that receives the wireless signal transmitted by said transmitting system of said terminal device (figure 1); and a decoding system that decodes the encrypted data that is received through said third

communication system using the deciphering data that is received through said third communication system [0007] – [0008].

Regarding **claim 11**, with reference to figure 1, Kentaro discloses a wireless communication system including a terminal device that transmits a wireless signal and an electronic device that receives the wireless signal transmitted by said terminal device (abstract), said electronic device comprising:

a first communication system that transmits ciphering data to be used for encrypting data to said terminal device with a wireless signal having a directivity (via infra red by communication device 2, abstract); a second communication system that receives encrypted data to be processed (abstract, communication device 3), said second communication system does not have directivity; (via Bluetooth, abstract,) and a decoding system that decodes the encrypted data received through said second communication system using the deciphering data corresponding to the ciphering data transmitted by said first communication system, and said terminal device comprising: a third communication system that is capable of receiving the ciphering data transmitted by said first communication system and transmitting data to said second communication system; and an encrypting system that encrypts data to be processed using the ciphering data received through said third communication system, the encrypted data being transmitted to said second communication system through said third communication system ([0007] – [0008]).

Regarding **claim 21**, with reference to figure 1, Kentaro discloses a terminal device for a wireless communication system including said terminal device and an

electronic device (abstract), said terminal device comprising: an encrypting system that encrypts data to be transmitted to said electronic device (abstract, [0007] – [0008]); a first communication system that transmits deciphering data to the electronic device with a wireless signal having a directivity; and a second communication system that transmits the encrypted data to the electronic device with a wireless signal which does not have the directivity, the encrypted data being decodable using the deciphering data transmitted by said first communication system (abstract, [0007] – [0008]).

Regarding **claims 6, 16, 23, 28**, it is inherent that the ciphering data is identical to the deciphering data so that the two devices can have a successful communication.

Regarding **claims 7, 17**, Kentaro further teaches that the third communication system does not have the directivity (via antenna 25 of figure 1, see also [0007] – [0008]).

Regarding **claims 8, 18, 24, 29**, it is inherent that the system as disclosed by Kentaro is a wireless LAN since the application is for wireless communication between nearby devices (Bluetooth, infrared).

Regarding **claims 9, 19, 25, 30**, Kentaro further teaches that wireless communication system according to claim 1, which employs a protocol according to a Bluetooth technology (abstract, [0020], [0038]).

Regarding **claim 26**, this claim is the apparatus claim as opposed to the system claim of claim 1 and is therefore rejected for the same reasons.

Regarding **claims 31-32**, these claims merely reflect the computer programs necessary for controlling the systems as disclosed by Kentaro which are inherent and are rejected for the same reasons above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 10, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kentaro in view of Nakamura et al. (hereinafter "Nakamura"; U.S. Patent Number 6,457,126 B1).

Regarding **claims 10 and 20**, Kentaro discloses the invention but does not explicitly disclose that the wireless communication system employs a common key encrypting method.

In an analogous art, Nakamura teaches an encrypting/decrypting device and method for accessing a non-volatile memory. Nakamura further teaches that the communication system employs a common key encrypting method (column 1 line 60 to column 2 line 37, claims 18-21).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the common key encrypting method, as

taught by Nakamura, into the system of Kentaro so that the system can decrypt the data.

3. **Claims 2, 12, 22, 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kentaro in view of Williams et al. (hereinafter "Williams"; U.S. Patent Number 6,842,617 B2).

Regarding **claims 2, 12, 22 and 27**, Kentaro discloses the invention including an omni-directional antenna in the second communication system (figure 1, [0007] – [0008]) but does not disclose that the first communication system is provided with a directional antenna.

In an analogous art, Williams teaches a wireless communication device with multiple external communication links, Williams further disclose the system including omni-directional antenna and a directional antenna (figure 13, column 22 through column 23 line 14).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate both the omni directional antenna and the directional antenna, as taught by Williams, into the system of Kentaro in order to extend the range of the directivity of the signal instead of using infra red as disclosed by Kentaro.

Allowable Subject Matter

4. **Claims 3-5, 13-15** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claims 3 and 13**, the applied references fail to disclose or render obvious the claimed limitations wherein a communication between said first communication system and said third communication system and a communication between said second communication system and said third communication system are performed in accordance with the same communication protocol.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNYTRINH
PRIMARY EXAMINER

10/5/2005